

Waterfowl Hunting and Baiting

This web page reviews Federal regulations on baiting, incorporates current U.S. Fish and Wildlife Service enforcement policy, and summarizes other Federal regulations for waterfowl hunting.

Federal baiting regulations define key terms for hunters and land managers, and clarify conditions under which you may legally hunt waterfowl and other migratory game birds. As a waterfowl hunter or land manager, it is your responsibility to know and obey all Federal and State laws that govern the sport. Rules that affect waterfowl hunting also apply to hunting coots and cranes, and all references to waterfowl in this material encompass these birds as well.

Federal regulations are more restrictive for waterfowl hunting than for dove hunting. For information on dove hunting, carefully review the Federal regulations and visit the companion web page on [dove hunting and baiting](#).

Definitions from Title 50, Code of Federal Regulations, Part 20.11

Normal agricultural planting, harvesting, or post-harvest manipulation means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative State Research, Education, and Extension Service of the U.S. Department of Agriculture. (Note: By policy, the Service does not make a distinction between agricultural fields planted with the intent to harvest and those planted without such intent so long as the planting is in accordance with Cooperative Extension Service recommendations.)

Normal agricultural operation means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative State Research, Education, and Extension Service of the U.S. Department of Agriculture. (Note: By policy, the Service recognizes pasture lands and wildlife food plots planted for enhancement of wildlife as normal agricultural operations provided they are planted in accordance with Cooperative Extension Service recommendations for production of a crop.)

Normal soil stabilization practice means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative State Research, Education, and Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

Baited area means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for 10 days following the complete removal of all such salt, grain, or other feed.

Baiting means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

Manipulation means the alteration of natural vegetation or agricultural crops by activities that include but are not limited to mowing, shredding, disking, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

Natural vegetation means any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

Excerpts from Title 50, Code of Federal Regulations, Part 20.21(i)

No persons shall take migratory game birds:

(i) By the aid of baiting, or on or over any baited area, where a person knows or reasonably should know that the area is or has been baited. However, nothing in this paragraph prohibits:

(1) The taking of any migratory game bird, including waterfowl, coots, and cranes, on or over the following lands or areas that are not otherwise baited areas -

(i) Standing crops or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested croplands; or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation or normal soil stabilization practice;

(ii) From a blind or other place of concealment camouflaged with natural vegetation;

(iii) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

(2) The taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

What This Means

You cannot hunt waterfowl or any other migratory game bird by the aid of baiting or on or over any baited area where you know or reasonably should know that the area is or has been baited.

Baiting is the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could lure or attract migratory game birds to, on, or over any areas where hunters are attempting to take them. A baited area is any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or feed could serve as a lure or attraction for migratory game birds.

The 10-Day Rule

A baited area remains off limits to hunting for 10 days after all salt, grain, or other feed has been completely removed. Waterfowl will habitually still be attracted to the same area even after the bait is gone. The 10-day rule

recognizes that removing bait does not remove the lure created and that waterfowl will still be attracted to the area.

What is Legal?

You can hunt migratory game birds, including waterfowl, on, over, or from:

- Standing crops or flooded standing crops, including aquatic plants.
- Standing, flooded, or manipulated natural vegetation.
- Flooded harvested croplands.
- Lands or areas where grains have been scattered solely as the result of a normal agricultural harvesting or normal agricultural post-harvest manipulation.
- Lands or areas where top-sown seeds have been scattered solely as the result of a normal agricultural planting, or a planting for agricultural soil erosion control or post-mining land reclamation.
- From a blind or other place of concealment camouflaged with natural vegetation.
- From a blind or other place of concealment camouflaged with vegetation from agricultural crops, provided your use of such vegetation does not expose, deposit, distribute or scatter grain or other feed. You should be aware that seeds or grains from such vegetation could create a baited area.
- On or over standing or flooded standing agricultural crops where grain is inadvertently scattered solely as the result of hunters entering or leaving the area, placing decoys, or retrieving downed birds. Hunters are cautioned that while conducting these activities, any intentional scattering of grains will create a baited area.

Waterfowl Hunting on Agricultural Lands

Agricultural lands offer prime waterfowl hunting opportunities. You can hunt waterfowl in fields of unharvested standing crops. You can also hunt over standing crops that have been flooded. You can flood fields after crops are harvested and use these areas for waterfowl hunting.

The presence of seed or grain in an agricultural area rules out waterfowl hunting unless the seed or grain is scattered solely as the result of a normal agricultural planting, normal agricultural harvesting, normal agricultural post-harvest manipulation, or normal agricultural soil stabilization practice. A normal agricultural planting, normal agricultural harvesting, or normal agricultural post-harvest manipulation means a planting or harvesting undertaken to produce or gather a crop, or manipulation after such harvest and removal of grain. These activities must be conducted in accordance with recommendations of the State Extension Specialists of the Cooperative State Research, Education, and Extension Service.

Planting and Harvesting

A normal agricultural planting is undertaken for the purpose of producing or gathering a crop. Normal agricultural plantings do not involve the placement of seeds in piles or other concentrations. Relevant factors include recommended planting dates, proper seed distribution, seed bed preparation, application rate, and seed viability. A normal soil stabilization practice means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with recommendations of State Extension Specialists. Lands planted by means of top sowing or aerial seeding can only be hunted if seeds are present solely as the result of a normal agricultural planting or normal soil stabilization practice.

Wildlife food plots and "goose fields" should be planted early enough to ensure that the seeds germinate prior to 10 days before being hunted over. If the seeds have not germinated by at least 10 days prior to being hunted over, the areas must have been planted in a manner consistent with Cooperative Extension Service recommendations for production of a crop or the area will be considered baited.

A normal agricultural harvest is undertaken for the purpose of gathering a crop. The arrangement of harvested grain in long rows or piles should raise questions about the legality of the area for waterfowl hunting. A normal post-harvest manipulation first requires a normal agricultural harvest and removal of grain before any manipulation of remaining agricultural vegetation, such as corn stubble or rice stubble. You should be aware that although you can hunt doves over manipulated agricultural crops, you cannot hunt waterfowl over manipulated agricultural crops except after the field has been subject to a normal harvest and removal of grain (i.e., post-harvest manipulation).

If, for whatever reason, an agricultural crop or a portion of an agricultural crop has not been harvested (i.e., equipment failure, weather, insect infestation, disease, etc.) and the crop or remaining portion of the crop has been manipulated, then the area is a baited area and cannot be hunted for waterfowl. For example, no hunting could occur on or over a field of sweet corn that has been partially harvested and the remainder manipulated. To be considered normal, an agricultural planting, agricultural harvesting, and agricultural post-harvest manipulation must be conducted in accordance with recommendations of State Extension Specialists. However, the Service will continue to make final determinations about whether recommendations were followed.

Hunting Over Natural Vegetation

Natural vegetation is any non-agricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. Natural vegetation does not include planted millet because of its use as both an agricultural crop and a species of natural vegetation for moist soil management. However, planted millet that grows on its own in subsequent years is considered natural vegetation.

If you restore and manage wetlands as habitat for waterfowl and other migratory birds, you can manipulate the natural vegetation in these areas and make them available for hunting. Activities that fall within the definition of "manipulation" include mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, and herbicide treatments

Natural vegetation is not intended to include plants grown as agricultural crops.

Problem Areas

Feeding waterfowl. Many people feed waterfowl for the pleasure of birdwatching. It is illegal to hunt migratory game birds in an area where such feeding has occurred that could lure or attract birds to, on, or over any area where hunters are attempting to take them. The 10-day rule applies to such areas, and any salt, grain, or feed must be gone 10 days before hunting. The use of sand, shell grit, and artificial corn is not prohibited.

Distance. How close to bait can you hunt without breaking the law? There is no set distance. Court rulings vary depending on the circumstances. The influence of bait will increase or decrease depending on such factors as topography, weather, and waterfowl flight patterns. The question of distance can only be answered on a case-by-case basis. Remember, however, that the law prohibits hunting if bait is present that could lure or attract birds "to, on, or over areas where hunters are attempting to take them."

Manipulation of crops and other agricultural practices. Although you can hunt waterfowl over natural vegetation that has been manipulated, you cannot hunt waterfowl over any manipulations of agricultural crops that occur before harvest and removal of grain. You cannot hunt waterfowl on or over areas where farmers feed grain to livestock, store grain, or engage in other normal agricultural practices.

The Hunter's Responsibility

As a hunter, you are responsible for determining whether your proposed hunting area is baited. Before hunting, you should:

- Familiarize yourself with Federal and State migratory game bird hunting regulations.
- Ask the landowner, your host or guide, and your hunting partners if the area has been baited.
- Suspect the presence of bait if you see waterfowl feeding in a particular area in unusual concentrations or displaying a lack of caution.
- Look for grain or other feed in the water, along the shore, and on the field. Pay particular attention to the presence of spilled grain on harvested fields and seeds planted by means of top-sowing.
- Confirm that scattered seeds or grains on agricultural lands are present solely as the result of a normal agricultural planting, normal agricultural harvesting, normal agricultural post-harvest manipulation, or normal soil stabilization practice by consulting with State Extension Specialists.
- Abandon the hunting site if you find grain or feed in an area and are uncertain about why it is there.

Other Responsibilities

If you prepare lands for hunting, participate in such preparations, or direct such preparations, it is important for you to know and understand what practices constitute baiting. You should know prior to hunting what activities constitute baiting and when lands or other areas would be considered baited. If you bait or direct that an area be baited and allow hunting to proceed, you risk being charged with an offense that carries significant penalties.

Overview of Other Regulations

Additional Federal and State regulations apply to migratory game bird hunting, including those summarized below.

Illegal hunting methods. You cannot hunt migratory waterfowl:

- With a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance.
- From a sink box or any other low floating device that conceals you beneath the surface of the water.
- From a motorboat or sailboat, unless you shut the motor off or furl the sail and the vessel is no longer in motion.
- Using live birds as decoys.
- Using recorded or electrically amplified bird calls or sounds, or imitations of these calls and sounds.
- While possessing any shot other than approved nontoxic shot.
- With a shotgun that can hold more than three shells, unless you plug it with a one-piece filler that cannot be removed without disassembling the gun.
- From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft (if you are a paraplegic or are missing one or both legs, you may hunt from a stationary car or other stationary motor-driven land vehicle or conveyance).

Shooting hours. You cannot hunt migratory game birds except during the hours open to shooting.

Closed season. You cannot hunt migratory game birds during the closed season.

Daily bag limit. You can take only one daily bag limit in any one day. This limit determines the number of migratory

game birds you may legally have in your possession while in the field or while in route back to your car, hunting camp, home, or other destination.

Wanton waste. You must make a reasonable effort to retrieve all migratory game birds that you kill or cripple and keep these birds in your actual custody while in the field. You must immediately kill any wounded birds that you retrieve and count those birds toward your daily bag limit. Birds must remain in your possession while in the field. You cannot give your birds to another person in the field regardless of whether or not they are properly tagged.

Tagging. You cannot put or leave migratory game birds at any place or in the custody of another person unless you tag the birds with your signature, address, number of birds identified by species, and the date you killed them.

Rallying. You cannot hunt migratory game birds that have been concentrated, driven, rallied, or stirred up with a motorized vehicle or sailboat.

Dressing. You cannot completely field-dress waterfowl before taking them from the field. The head or one fully-feathered wing must remain attached to the birds while you transport them to your home or to a facility that processes migratory game birds.

Dual violation. A violation of a State migratory game bird regulation is also a violation of Federal regulations.

[Duck stamp](#). If you are 16 or older, you must carry on your person an unexpired Federal migratory bird hunting and conservation stamp. You must validate your duck stamp by signing it in ink across the face before hunting.

[Migratory Bird Harvest Information Program \(HIP\)](#). Each hunter is required to enroll in the HIP and carry proof of such enrollment.

[Protected birds](#). Federal law prohibits the killing of non-game migratory birds. Protected birds that you could encounter while waterfowl hunting include songbirds, eagles, hawks, owls, vultures, herons, egrets, and woodpeckers.

Banded birds. Waterfowl hunters are encouraged to report banded birds to the U.S. Fish and Wildlife Service toll-free bird band report hotline at 1-800/327-2263.

For More Information

The Federal migratory game bird hunting regulations can be found in [50 CFR Part 20](#). If you have additional questions about waterfowl hunting and the law, contact the nearest U.S. Fish and Wildlife Service law enforcement office or one of the [Service regional law enforcement offices](#). You should also consult the State fish and wildlife agencies to determine what State regulations apply.

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